

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Jayne J. Doucette,

Debtor.

ORDER DENYING MOTION TO
REOPEN CASE

BKY 12-41644

At Minneapolis, Minnesota, May 11, 2017.

This case is before the court on the motion of Stacie Richardson to reopen the case. Steven C. Opheim appeared on behalf of Richardson.

The stated purpose of the motion is to enable Richardson to file a motion to obtain relief from the discharge injunction. She wishes to add the debtor as a defendant to a state court action, not to establish the debt as a personal liability of the debtor, but rather to access any liability insurance that the debtor may have that would provide coverage.

To the extent that relief from the discharge injunction is available, it is not necessary here. 11 U.S.C. § 524(a)(2) provides that the discharge “operates as an injunction against the commencement or continuation of an action . . . to collect, recover or offset any such debt as a *personal liability* of the debtor” Richardson does not seek to collect the debt from the debtor as a personal liability, but if she can establish liability by the debtor, to collect any such debt from the debtor’s insurer.

Thus, Richardson's proposed action does not violate the discharge injunction. To emphasize that fact, 11 U.S.C. § 524(e) provides that, except for an exception not applicable here, "discharge of a debt of the debtor does not affect the liability of any other entity . . . for such debt."

As a result, reopening the case is unnecessary.

THEREFORE, IT IS ORDERED: The motion of Stacie Richardson to reopen this case is denied.

/s/ Robert J. Kressel

ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE